

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

MINUTES OF A REGULAR MEETING HELD NOVEMBER 8, 2007

AGENDA

KAISER - REZONING PUBLIC HEARING - 374 S. DRAKE ROAD, 394 S. DRAKE ROAD, 424 S. DRAKE ROAD, 454 S. DRAKE ROAD, 468 S. DRAKE ROAD, 540 S. DRAKE ROAD, 550 S. DRAKE ROAD, 576 S. DRAKE ROAD, VACANT PROPERTY ON S. DRAKE ROAD AND 5015 DRIFTWOOD - (PARCEL NOS. 3905-24-230-010, 3905-24-230-020, 3905-24-230-040, 3905-24-230-064, 3905-24-230-050, 3905-24-230-070, 3905-24-230-080, 3905-24-230-090, 3905-24-230-069 AND 3905-24-226-340)

OMNI CREDIT UNION - SPECIAL EXCEPTION USE AND SITE PLAN REVIEW - 6622 WEST MAIN STREET - (PARCEL NO. 3905-14-185-031)

TEXT AMENDMENT- PUBLIC HEARING - "C-1" LOCAL BUSINESS DISTRICT - SECTION 31.404 AS SPECIAL EXCEPTION USE

A regular meeting was conducted by the Oshtemo Charter Township Planning Commission on Thursday, November 8, 2007, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Lee Larson, Acting Chairman
Deborah Everett
Fred Gould
Bob Anderson
Carl Benson
Kitty Gelling

MEMBER ABSENT: Terry Schley

Also present were Jodi Stefforia, Planning Director; Mary Lynn Bugge, Senior Planner; Brian VanDenBrand, Associate Planner; James Porter, Township Attorney, and approximately 20 other interested persons.

CALL TO ORDER

The meeting was called to order at approximately 7:00 p.m. by the Acting Chairman, Lee Larson. The Commission and those in attendance recited "The Pledge of Allegiance."

AGENDA

The Acting Chairman asked if there were any changes to the Agenda. Hearing none, he asked for a motion to approve the Agenda. Mr. Benson made a motion to approve the Agenda as submitted. The motion was seconded by Ms. Everett. The Acting Chairman called for a vote on the motion, and the motion passed unanimously.

MINUTES

The Acting Chairman said the next item on the Agenda was approval of the minutes of October 25, 2007. The Acting Chairman asked if there were any changes. Ms. Everett said that the reference to "Merriam" on page 7 should read "Meridian." The Acting Chairman asked if there were any other revisions. Hearing none, he asked for a motion. Mr. Anderson made a motion to approve the Minutes as amended. The motion was seconded by Ms. Everett. The Acting Chairman called for a vote on the motion, and the motion passed unanimously.

KAISER - REZONING PUBLIC HEARING - 374 S. DRAKE ROAD, 394 S. DRAKE ROAD, 424 S. DRAKE ROAD, 454 S. DRAKE ROAD, 468 S. DRAKE ROAD, 540 S. DRAKE ROAD, 550 S. DRAKE ROAD, 576 S. DRAKE ROAD, VACANT PROPERTY ON S. DRAKE ROAD AND 5015 DRIFTWOOD - (PARCEL NOS. 3905-24-230-010, 3905-24-230-020, 3905-24-230-040, 3905-24-230-064, 3905-24-230-050, 3905-24-230-070, 3905-24-230-080, 3905-24-230-090, 3905-24-230-069 AND 3905-24-226-340)

The Acting Chairman said that the next item on the Agenda was the proposed rezoning for property along Drake Road. He said the Planning Commission was being asked to conduct a public hearing on a proposed rezoning from "R-4" and "R-2" Residence Districts to "R-3" Residence District zoning classification for approximately 18 acres along Drake Road abutting and lying adjacent to Skyridge Avenue and Driftwood Avenue. He said the subject parcels involved were 3905-24-226-340, 3905-24-230-010, 3905-24-230-020, 3905-24-230-040, 3905-24-230-064, 3905-24-230-050, 3905-24-230-070, 3905-24-230-080, 3905-24-230-090 and 3905-24-230-069. The Acting Chairman asked to hear from the Planning Department. Ms. Stefforia submitted her report to the Planning Commission dated November 8, 2007, and the same is incorporated herein by reference.

Ms. Stefforia explained that the original request had been from James Kaiser for property located immediately north of Skyridge Avenue located at 374 South Drake Road. She said the applicant was making the request because his current office use was nonconforming, but when it was originally established in 1976, it was a permitted use within the "B-2" zone. Now that the property had been rezoned to "R-4", the office was not a permitted principal use. Therefore, the applicant could not make any changes

or expand the office without a variance from the nonconforming use provisions of the Ordinance.

Ms. Stefforia noted that, when the rezoning request was received, the Planning Commission had expanded the area under consideration to include multiple properties along Drake Road abutting or lying between Skyridge Avenue and Driftwood Avenue. She said that the Planning Commission could consider rezoning some or all of the parcels noticed for the public hearing. Ms. Stefforia then took the Commission through the considerations for rezoning requests as more fully set forth in her report.

The Acting Chairman asked if there were any questions of Ms. Stefforia. Hearing none, the Acting Chairman asked to hear from the applicant.

Mr. Kaiser introduced himself to the Commission members. He said he had been operating his business at the present location since 1976. He said it was a good location, and he would very much like to stay. However, he said, when his property was rezoned, the rezoning made his use of the property non-conforming. He stated that made it difficult for him to make changes to the existing structure. Therefore, he was seeking to bring his property use into conformance by changing the zoning of the subject property.

Ms. Everett asked how much traffic the proposed rezoning would add to the area. Mr. Kaiser said he thought virtually none because most of his clients came from a three-state area which often required that he travel out of state. He said, given that, there was a relatively low amount of traffic from Kalamazoo clientele.

The Acting Chairman asked to hear from the public. Mr. Gary Schripsema introduced himself to the Planning Commission. He said he lived in the plat immediately west of the subject property. He noted that Mr. Kaiser had been a good neighbor. He said, in the past, there had been requests for rezoning along Drake Road for a dentist office, and at that time, he had opposed the request. However, subsequent to that time, many of the homes along Drake Road had turned into student rentals, which he stated had negatively affected the quality of life for the residents in the area. Therefore, he had no problem with rezoning to an office.

Mr. Schripsema did question why they would rezone the church property. He also asked if the Township could consider installation of sidewalks along the commercial properties on Drake Road, since the people in the neighborhood had no means of pedestrian access to the north.

Mr. Bob Mosley introduced himself to the Planning Commission. He said he lived across the street from Mr. Schripsema. He said he was concerned about parking and adequate ingress and egress if the property was rezoned. The Acting Chairman told Mr.

Mosley that would be an issue which the Planning Commission would be looking at very carefully, if the applicant submitted a site plan for any on-site changes.

Ms. Stefforia noted that she had received a letter from Gary Tibble, in which Mr. Tibble indicated he owned two of the homes within the proposed rezoning area. Mr. Tibble said he was completely in support of the proposed rezoning and said he thought it acknowledged the growth and development along Drake Road.

The Acting Chairman asked if there were any further questions. Hearing none, he closed the public portion of the meeting. Ms. Gelling said that she did not have any serious issues with the proposed rezoning. The Acting Chairman reminded the Commission that they could consider all or a portion of the properties noticed for public hearing. He said he had some concern about rezoning the interior properties upon which the churches were located and wondered whether that rezoning would have a negative effect on the adjacent single-family homes.

Mr. Benson said his concern was what would happen if one of the churches failed or moved and how redevelopment would effect the neighbors. Ms. Stefforia pointed out that, by rezoning to "R-3" the setbacks would actually be increased. She also noted that, since any offices on that property would not be constructed within an existing home, it would require a special exception use, which could be denied if determined to be incompatible. Ms. Bugge pointed out that the maximum size of an office building in the "R-3" zone is only 10,000 square feet.

Ms. Everett said she thought the rezoning request made sense, given the fact that the properties were abutting Drake Road.

The Acting Chairman asked if there was a motion in support of a recommendation to grant or deny the requested rezoning. Mr. Anderson made a motion to recommend rezoning of the subject parcels from their current residential zoning classification to the "R-3" Residence District. Ms. Gelling seconded the motion. The Acting Chairman called for further discussion, and hearing none, called for a vote on the motion. The motion passed unanimously.

OMNI CREDIT UNION - SPECIAL EXCEPTION USE AND SITE PLAN REVIEW - 6622 WEST MAIN STREET - (PARCEL NO. 3905-14-185-031)

The Acting Chairman indicated that the next item on the Agenda was consideration of a special exception use and site plan review for a proposed credit union at 6622 West Main Street, Parcel No. 3905-14-185-031. The Acting Chairman called for a report from the Planning Department. Ms. Bugge submitted her report dated November 8, 2007, and the same is incorporated herein by reference.

Ms. Bugge explained that, because the applicant was requesting drive-through service, it needed special exception use approval. Ms. Bugge took the Planning Commission through a review of the surrounding properties and then took the Commission through a review of Section 60 regarding special exception uses, as well as Section 82.800 site plan review, as more fully set forth in her report.

The Acting Chairman asked if there were any questions of Ms. Bugge. Hearing none, he asked to hear from the applicant. Ms. Sara Lepich of The Redmond Company introduced herself on behalf of Omni Credit Union. Ms. Lepich said the reason that there was a second light proposed for the flagpole was to deal with times when wind was blowing the flag. She said they wanted to have the flag properly lighted at all times. Ms. Lepich said that she believed that the Planning Department had covered most of the other issues quite thoroughly and asked if there were any questions.

Mr. Gould asked what percentage of clientele used the drive-through facility versus the walk-in facilities. Ted Parsons, on behalf of Omni Credit Union, said approximately 20%-25%.

The Acting Chairman asked how stormwater would be handled on site versus by easement. Ms. Lepich said the onsite facilities would be underground and the remaining overflow, if any, would go to the larger retention ponds maintained by Meijer.

The Acting Chairman asked if there were any further questions of the applicant. Hearing none, he opened the public portion of the meeting. Hearing no public comment, the Acting Chairman closed the public portion of the meeting and called for Planning Commission deliberations.

Mr. Benson said he was concerned about the traffic flow patterns. He said, with the shopping center access drive leading to M-43, he thought the proposed west drive would add additional traffic to an already poorly designed and dangerous intersection. He asked whether the applicant had considered reversing the traffic flow. Ms. Bugge pointed out that all of the traffic did come out onto the service drive. Mr. Benson said he understood, but the traffic would move from there directly to M-43. Ms. Everett asked Mr. Benson if he was asking whether the traffic from the drive-through should flow toward Meijer's parking lot. Mr. Benson indicated that is what he would like to see.

The Acting Chairman said he had thought about that, but he was not sure it would guarantee all the traffic would go to 9th Street to exit the center, since anyone exiting to Meijer's parking lot could always turn onto the service drive leading directly to M-43. Ms. Everett said she agreed with the Acting Chairman's comments.

Ms. Gelling said she thought the drives which allowed direct access to M-43 traveling east were problematic. She stated that these were high-accident areas, and she shared Mr. Benson's concerns. The Acting Chairman said he understood Ms.

Gelling's comments and Mr. Benson's comments, but thought that the traffic which could travel west should be allowed to come out onto M-43. He also said that moving the traffic to 9th Street might create traffic congestion at that intersection. Ms. Everett pointed out that there was a four-way stop at the north end of the access drive which she thought could help control the flow of traffic.

Ms. Gelling expressed a concern about the Meijer gas station's wide drive onto the access road leading to the Meijer store. The Acting Chairman said he understood, but the Planning Commission was without authority to deal with any of the Meijer's properties at this time. He also pointed out that the problem was not so much a problem with the applicant's driveway but with Meijer's access road leading to M-43.

Ms. Gelling suggested limiting the driveway leading to the Meijer access drive to right-turns only. Mr. Gould said he thought that there were more problems coming from the Meijer gas station than would ever be attributable to the Credit Union, and that it would be unfair to place this requirement on the Credit Union. Ms. Everett said she agreed with that and reiterated the fact that she did not feel that it would be fair to place restrictions on the Credit Union which were not placed on the Meijer gas station. Ms. Everett suggested posting a sign at the driveway, directing those who wished to travel east on M-43 to 9th Street and the available light. Mr. Ted Parsons indicated that was something which the Credit Union would be happy to do.

The Acting Chairman asked if there were other issues about the driveway, and hearing none, he asked what the Commission's feeling was with regard to the flagpole lights. Ms. Bugge pointed out that the applicant would be using 150-watt light bulbs which were 25 watts less than the limitation under the Ordinance. Mr. Gould said he did not have a problem with the lights for the flagpole. Ms. Bugge did ask if the lights would be hooded. Ms. Lepich indicated that the lights would be hooded.

The Acting Chairman pointed out that there were two action items, the approval or denial of the special exception use for the drive-through services and review of the proposed site plan.

Ms. Everett made a motion to grant the special exception use with the provision that there would be no direct access from the Omni Credit Union to West Main Street. The motion was seconded by Mr. Anderson. The Acting Chairman called for discussion, and hearing none, he called for the vote on the motion. The motion passed unanimously.

The Acting Chairman asked if there was a motion on the site plan. Ms. Everett moved to grant approval of the site plan subject to the following conditions:

- (1) Approval shall be subject to the applicant prohibiting direct access to West Main Street from the site.

- (2) Approval shall be subject to providing the Township with evidence of an access easement with Meijer for review prior to recording the document.
- (3) All parking spaces and drive aisles shall be in conformance with Section 68.
- (4) Approval shall be subject to building setbacks complying with Section 64.000.
- (5) Approval shall be subject to all lighting complying with Section 78.700 and submission of building mounted light fixture details for Staff review.
- (6) Approval shall be subject to submission of all sign details for review and approval through the sign permit process. All signs shall comply with Section 76.000.
- (7) Landscaping shall be provided in compliance with Section 75.000.
- (8) All landscaping shall be installed prior to issuance of a Certificate of Occupancy, or a performance guarantee in accordance with Section 82.950 shall be provided.
- (9) Site plan approval shall be subject to the applicant satisfying Fire Department requirements pursuant to the adopted codes.
- (10) Site plan approval shall be subject to the Township Engineer finding site engineering and stormwater management adequate.
- (11) An easement document for use of the Meijer stormwater system shall be submitted for Township review prior to the document being recorded.
- (12) An easement for the extension of public sewer over the subject property shall be executed with the Township.
- (13) An Earth Change Permit must be obtained from the Drain Commissioner.
- (14) The site plan shall be provided to MDOT for their consideration.

The motion was seconded by Mr. Benson. The Acting Chairman called for a vote on the motion, and the motion passed unanimously.

TEXT AMENDMENT- PUBLIC HEARING - "C-1" LOCAL BUSINESS DISTRICT - SECTION 31.404 AS SPECIAL EXCEPTION USE

The Acting Chairman indicated that the next item on the Agenda was the public hearing on a proposed amendment to Section 31.000 "C-1" Local Business District to add a special exception use for nursing, convalescent, handicapped, or senior citizens' homes. The Acting Chairman asked to hear from the Planning Department. Ms. Bugge submitted her report to the Planning Commission, and the same is incorporated herein by reference.

Ms. Bugge explained to the Planning Commission that there were many similarities between the "C" and "C-1" zoning districts. She noted that there was at least one senior citizens' facility currently located within the "C" Local Business District, as well as two others located within the "R-4" Residence District.

The Acting Chairman asked if there were any questions of Ms. Bugge. Hearing none, he asked to hear from the proponent of the zoning change, Mr. Palma of Forsite Properties, L.L.C.

Mr. Palma introduced himself to the Commission and said he was interested in some property currently located in the "C-1" zoning district. He thought, since the "C" District currently allows the use which he was proposing, i.e., senior housing, that it would not be a significant change in the uses within the "C-1" district to accommodate the same use.

The Acting Chairman asked if there were any questions of Mr. Palma. Hearing none, he opened up the meeting for public comment. Hearing no public comment, the Acting Chairman closed the public portion of the meeting and called for Planning Commission deliberations.

Mr. Anderson asked Mr. Palma how many senior citizen housing facilities they were operating. Mr. Palma said approximately a dozen. Ms. Gelling asked what brought the applicant to Michigan. Mr. Palma said they were branching out into Ohio, Illinois and Michigan. Ms. Bugge pointed out that they were only considering a text amendment which would allow senior citizen housing, not reviewing Mr. Palma's proposed facility at this time.

Ms. Everett said that she thought the proposal made sense since there is not a great deal of difference between the "C" Local Business District and the "C-1" Local Business District classifications. The Acting Chairman said that he agreed. Ms. Everett said it certainly was easier than rezoning the property, particularly in the subject area where the applicant wants to develop.

The Acting Chairman asked if there were any further comments, and hearing none, called for a motion. Mr. Benson made a motion to recommend to the Township Board the addition to the "C-1" Local Business District zoning classification:

31.404 Nursing, convalescent, handicapped, or senior citizens' homes.

The motion was seconded by Ms. Everett. The Acting Chairman called for a vote on the motion, and the motion passed unanimously.

Discussion Item: Master Plan Update in Kalamazoo Township

The Acting Chairman said the next item for discussion was the Master Plan Update in Kalamazoo Township. Ms. Stefforia said that Michigan law requires any changes to a Master Land Use Plan to be presented to abutting municipalities. She explained that Kalamazoo Township was considering a Land Use Plan change, but it primarily focused on demographic and economic development issues and would not have a significant impact on the Township. She said generally the Township in such a case typically sends a letter indicating that they have no comment. Mr. Gould made a motion to direct the Planning Staff to write a letter to Kalamazoo Township thanking it for the information provided, and that the Township Planning Commission had no comment on the proposal. Mr. Benson seconded the motion. The Acting Chairman called for a vote on the motion, and the motion passed unanimously.

Discussion Item: Portable Storage Containers

The Acting Chairman said that the next discussion item was about portable storage containers. Mr. VanDenBrand submitted his report to the Planning Commission dated November 8, 2007, and the same is incorporated herein by reference.

Mr. VanDenBrand explained that the issue over portable storage containers arose in discussions with a potential developer. Mr. VanDenBrand said that the question for the Planning Commission was whether the portable storage containers, also known as PODS or SAMS, would fit within the definition of storage buildings or mini-warehouses as set forth in Section 41.405. Ms. Stefforia said that they were looking for guidance from the Planning Commission.

Ms. Everett said that she did not believe that the containers met the definition of a storage building or a mini-warehouse. Ms. Gelling also said she did not believe they met that definition. Mr. Anderson said that they look like overseas shipping containers. Mr. Gould wondered how many of these portable storage containers could be stacked up and whether they would create an eyesore. Ms. Stefforia pointed out that the Township could restrict the stacking of the units if the use was found appropriate through the special exception use process.

The Acting Chairman said he did not believe they would fit within the customary definition of a storage building or mini-warehouse. Ms. Stefforia pointed out that they might fit within the technical definition of a structure or building as set forth in the Ordinance. Several Planning Commissioners raised a concern of whether these portable storage containers could be parked in a driveway in a residential neighborhood. Mr. VanDenBrand pointed out that personal use of PODS or SAMS in a neighborhood

was an important topic, but he wanted to keep the discussion focused on how portable storage might apply to Section 41.405. He noted that, if portable storage in driveways becomes a problem, the Planning Commission could revisit the issue at that time.

After a fairly lengthy discussion, it was the consensus of the Planning Commission that the portable storage containers commonly referred to as PODS or SAMS did not fit within the Planning Commission's concept of an enclosed storage building or a mini-warehouse, and therefore, would not be compatible with either permitted or special uses allowed in an "I-1" District. Many of the Commissioners suggested that such storage be located in the "I-2" District, where such storage was a recognized use.

The Planning Commission further recommended that the Planning Commission develop a definition of containers so as to exclude these types of storage facilities from the definition of a building and limit their use to outdoor storage in the "I-2" District. The Planning Commission also recommended that the use of these containers in a residential setting be considered as a future agenda item.

Public Comment on Non-Agenda Items

None.

Any Other Business

The Acting Chairman asked if there was any public comment on Non-Agenda items. Hearing none, he asked if there was any other business under Item #11.

Mr. Gould raised a question over the timing of the completion of the Form Based Code. He suggested somehow of speeding up the process, including establishing a subcommittee to review the material. Ms. Stefforia stated that there was still a lot of content yet to be addressed and felt that it is necessary for the entire Planning Commission's input to be secured for completion of the project. The Acting Chairman said he still thought it was a valuable exercise to go through the material as a group. Ms. Bugge said that she thought the Planning Commission could take this matter back up again in January and hopefully complete it in one or two meetings and then set the matter for public hearing. The Planning Commission members concurred.

Planning Commissioner Comments

Ms. Everett noted that the Planning Commission had received a thank you note from Mr. and Mrs. Wicks in response to their appearance before the Planning Commission on October 25, 2007.

Adjournment

There being no other further matters to come before the Commission, the meeting was adjourned at approximately 9:00 p.m.

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

By:

Minutes prepared:
November 19, 2007

Minutes approved:
_____, 2007